

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**BARBARA FORRESTER and
GARY FORRESTER,**

Plaintiffs,

v.

**Civil Action No. 3:05CV117
(Judge Bailey)**

**PENN LYON HOMES, INC.
d/b/a PENN LYON HOMES CORPORATION,
a Pennsylvania business corporation;
FOWLER HOMES, LLC, a Virginia
limited liability company; and
PLH ERECTORS, INC.,
a Pennsylvania business corporation,**

Defendants.

ORDER OF STATUS CONFERENCE

On November 9, 2007, the parties in the above-styled civil action appeared before the Court for a telephonic status conference in regard to plaintiffs' Motion for Scheduling Conference [Doc. 124]. The plaintiffs, Barbara and Gary Forrester, were present by counsel Braun Hamstead and Brian McAuliffe. Defense counsel Christopher Luttrell was present on behalf of Fowler Homes, LLC. Thomas Lawson appeared on behalf of defendants Penn Lyon Homes, Inc. and PLH Erectors, Inc.

At the hearing, the parties discussed the circumstances surrounding the filing of plaintiffs' Motion for Scheduling Order [Doc. 124]. In doing so, the Court recited the procedural history of the case and sought to discover why the parties' settlement agreement had not concluded this matter. The parties informed the Court that defendant Fowler Homes was unsuccessful in its attempt to obtain financing as required by the settlement agreement. Additionally, defendant Penn Lyon Homes indicated that it wished

to raise the issue of whether this Court should compel arbitration in this case. This Court indicated that it would deny such a motion. Defendant Penn Lyon Homes then requested a written order from which it could appeal.

Finding the need to proceed to trial in this matter, the Court **ORDERED**:

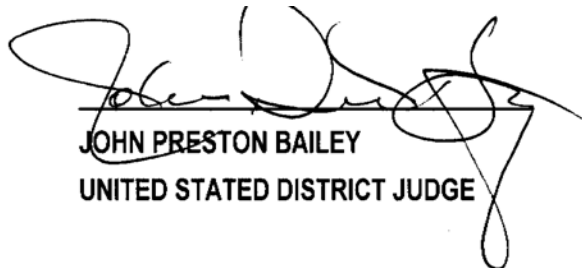
1. That defendant Penn Lyon Homes is to file a written **motion for arbitration** by **November 15, 2007**;
2. That the parties' **joint pretrial order** shall be filed by **December 28, 2007**;
3. That a **pretrial conference** will be held on **January 11, 2008, at 1:30 p.m.**, in Martinsburg, West Virginia; and
4. That **trial** in this matter is to begin **January 16, 2008, at 8:30 a.m.**, in Martinsburg, West Virginia.

There being no further business, the Court adjourned the matter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: November 12, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE